

PATENT
Serial No. 09/814,388
Amendment in Reply to Office Action of March 20, 2006

REMARKS

Thorough examination of the application is sincerely appreciated.

In the Final Office Action (FOA), claim 7 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In response, claim 7 has been amended to overcome this rejection. Accordingly, withdrawal of this rejection of claim 7 is respectfully requested.

In the FOA, claims 1-8 and 19-25 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 4,890,321 (Seth-Smith) in view of U.S. Patent No. 6,766,163 (Sharma). It is respectfully submitted that claims 1-8 and 19-25 are patentable for at least the following reasons.

The Office has not established a *prima facie* case of obviousness because the cited references, alone or in combination, do not teach or suggest all of the claim limitations of the independent claims. For example, independent Claim 1, among other limitations, recites:

“transmitting the information by an Internet server, said information including e-mail messages;
receiving the information from said Internet server at a service provider;
adding commands for displaying the information on said display apparatus by said service provider”

Seth-Smith discloses a subscription television system in which individual decoders are enabled to receive individually addressed messages. The Examiner correctly states that Seth-Smith neither teaches nor suggests receiving the information from an Internet Server. See FOA, page 3, last paragraph. However, the Examiner contends that it is well known to transmit and receive information from an Internet Service and asserts that “Sharma teaches a system for displaying teletext information, including receiving information from an Internet Service, the information including e-mail message.” See FOA, paragraph bridging pages 3 and 4. The Examiner incorrectly interprets Claim 1, with all due respect.

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Turning briefly to Claim 1, an **Internet server 10** (See specification, FIG. 1) provides information, which includes e-mail messages, to a **service provider** that, in turn, adds commands for displaying the information on a display apparatus and formats the information and commands into a dedicated text page for transmitting the dedicated text page to the display device. See the above-recited limitations of Claim 1.

In contrast, as discussed above, Seth-Smith is silent about an Internet server associated with a TV source station.

Sharma teaches that a **TV station provides teletext information**, such a television signal data, including “news and current events, real time financial data, travel and weather information, and emergency/disaster information” to a **wireless Access Protocol (WAP) server**. See Sharma, column 4, lines 1-4; lines 9-10. The WAP is an open international standard for applications that use wireless communication between a service provider and a mobile phone. The information received by the WAP server is, then, wirelessly transmitted by the WAP server to a cellular phone network as a teletext. Id., lines 33-36. Based on the above, Sharma does NOT disclose or suggest that a TV station receives information from an Internet server, as recited in claim 1. In fact, it is the other way around-according to Sharma’s teaching, it is the TV station that provides information to the WAP server. As a consequence, Sharma, like Seth-Smith, fails to teach or suggest providing information, which includes e-mail messages, from the Internet server to the service provider, as required by Claim 1.

To substantiate the argument in regard to communication with an Internet server as a known feature, the Examiner refers to column 2, lines 52-57, column 4, lines 52-54 and column 6, line 59 through column 7, line 22 of Sharma. None of the cited text portions of Sharma discloses transmitting information from an Internet server to the service provider. What the cited text discloses is wireless communication between a cell phone and WAP server.

Thus, the combination of Seth-Smith and Sharma does not yield the structure or steps, as recited in claim 1, because neither of the references teaches or suggests the above-recited limitation

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of Claim 1. Accordingly, Claim 1 is patentable over the cited combination.

Independent Claims 4-7 each recite limitations similar to the . For example, Claim 4 recites, among others, the following

“means for adding commands to the information located at a text center
and operative to receive said information from the Internet server”

The combination of Seth-Smith and Sharma does not render this limitation obvious.

Claim 5 recites the following:

“the information and the commands are provided from a source
including an Internet server to a service provider”

Claims 6 and 7 each recite the same limitation in somewhat different terms not requiring additional discussion.

Thus, independent claims 1 and 4-7 each are patentable over the cited combination and, thus, are allowable. In addition, it is respectfully submitted that claims 2-3, 8 and 19-25 should also be allowed at least based on their dependence from independent claim 1.

Conclusion

Based on all of the above, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action to this effect, and early passing of this application to issue, are respectfully solicited.

Note that no new issue has been introduced into the amended claims, and, therefore, no new search is needed. The claims were not amended to introduce additional limitations in order to overcome the cited prior art, but were slightly reformatted. Thus, for example, previously presented Claim 1 clearly recites the Internet server in its preamble.


“If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, then the claims preamble should be construed as in the balance of the claim.” Pitney Bose Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1305 51 USPQ2d 1161, 1165 (Fed. Cir. 1999). The Examiner was correct treating the preamble in light of the above-given citation. Claim 1 was

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amended to relocate the Internet server recitation from the preamble into to the body of the claim.
The rest of the independent claims were amended accordingly.

Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,

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May 19, 2006

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